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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,653	02/08/1999	LIBOR NOUZOVSKY	SIG99002	6427
7590	01/20/2004			
Garlick, Harrison & Markison LLP P.O. Box 160727 AUSTIN, TX 78716			EXAMINER TRAN, PHUC H	
			ART UNIT 2666	PAPER NUMBER
			DATE MAILED: 01/20/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/246,653

Applicant(s)

NOUZOVSKY ET AL.

Examiner

PHUC H TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7, 9, 10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 2 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the IR format data, packetizing, depacketizing, first to six storage must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Regarding to claim 13, "the first to six storage mean for..." is not discloses in the specification in such a way to reasonably convey to one skilled in the art.
- Claims 14-16 are depended to claim 13, therefore they are rejected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,3-4, 7, 9-10, 13, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dinwiddie et al (U.S. Patent No. 6481013).

- With respect to claim 1, Dinwiddie teaches a method for recovering data that was transported utilizing multiple data transport protocols, the method comprises the steps of:

receiving infrared (IR) encoded and IR formatted data via an IR transmission path (col. 13, line 16);

IR decoding the IR encoded and IR formatted data to recapture IR formatted data, wherein the IR formatted data includes IR transport identifying information (col. 12, lines 6-10);

packetizing the IR formatted data in accordance with universal serial bus (USB) data transport protocol to produce USB packets (col. 11, lines 27-32);

transporting the USB packets via a USB port to produce transported USB packets (e.g. the communication between computer and TV in Fig. 1);

depacketizing the transported USB packets to recapture the IR formatted data (it is inherently to understand that the USB packets has to depacketizing at receiver);

and decoding the IR formatted data in accordance with an IR data transport protocol based on the IR identifying information to recover data (col. 12, lines 6-10).

- With respect to claim 3-4, 9-10, 15-16, Dinwiddie teaches wherein the IR decoding of the IR formatted data further comprises decoding an IR frame delineation information as the IR identifying information.

- With respect to claims 7 and 13, Dinwiddie teaches a data communication device comprises:

a processing module (col. 9, lines 59);

memory operably coupled to the processing module, wherein the memory store operational instructions that, when processed by the processing module, cause the processing module to receive infrared (IR) encoded and IR formatted data via an IR transmission path (col. 10, lines 4-5);

IR decode the IR encoded and IR formatted data to recapture IR formatted data, wherein the IR formatted data includes IR transport identifying information (col. 12, lines 6-10);

packetize the IR formatted data in accordance with universal serial bus (USB) data transport protocol to produce USB packets (col. 11, lines 27-32);

transport the USB packets via a USB port to produce transported USB packets (e.g. the communication between computer and TV in Fig. 1);

depaketize the transported USB packets to recapture the IR formatted data (it is inherently to understand that the USB packets has to depacketizing at receiver);

and decode the IR formatted data in accordance with an IR data transport protocol based on the IR identifying information to recover data (col. 12, lines 6-10).

Allowable Subject Matter

6. Claims 2 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 10/6/03 have been fully considered but they are not persuasive.

- Applicant's argument that "Dinwiddie uses two protocols" in page 9. Examiner respectfully disagrees. In claim 1 teaches the multiple data transport protocols that can be many protocols.

- Applicant's argument that "one or the other protocol for transmissions, not both at the same time". Examiner respectfully disagrees. "using one or the other protocol for transmissions, not both at the same time" is not the claim languages.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
January 8, 2004



DANG TON
PHUC H TRAN